



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,944	02/01/2001	Robert K. Jenner	1019-US	9154

25263 7590 02/28/2003

J GRANT HOUSTON
AXSUN TECHNOLOGIES INC
1 FORTUNE DRIVE
BILLERICA, MA 01821

EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary

Application No.

09/773,944

Applicant(s)

JENNER, ROBERT K.

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-10 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 6 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,7. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claim 6** is objected to because of the following informalities: in line 6, “desire” should be - - desired - -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 2 and 3** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites “the step of determining the rest position” in line 1 which lacks proper antecedent basis.

Claim 3 recites “a new rest position of the optical axis is beyond the desired position with respect to a previous rest position” in lines 2-3. It is unclear what applicant regards as a location “beyond the desired position”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3726

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 4, 5, 7-9, 14, and 15** are rejected under 35 U.S.C. 102(b) as being anticipated by Janssen (EP 0 717 297 A2).

With respect to Claim 1, Janssen teaches a process for aligning an optical component 4 by plastic deformation (col. 4, lines 53-54), the process comprising: finding a desired position (col. 3, lines 50-55, “the maximum level of monitored power”) of an optical axis of the optical component 4 relative to a rest position (col. 3, lines 13-46, the initial installation of optical component to the alignment tool 10 is the initial rest position) of the optical axis of the optical component 4, and exerting a deformation force that exceeds a yield force (col. 4, line 58) to plastically deform (col. 4, lines 53-54) the optical component 4 so that the optical axis is moved in a direction of the desired position.

With respect to Claims 4 and 7, Janssen teaches monitoring an active alignment signal (col. 3, lines 51-52, “monitoring the level of power launched into the fibre 4 for the laser 3) while exerting the deformation force and while moving the optical axis of the optical component (col. 3, lines 52-55, “and manipulating, with a micromanipulator, the slotted rod 6 to bring fibre 4 into the position providing the maximum level of monitored power”).

With respect to Claim 5, it is inherent that Janssen teaches comparing the active alignment signal to a level of the active alignment signal when the optical component was at the desired position because Janssen aligns the fibre 4 into the position providing the maximum level of monitored power. The “desired position” would correlate to the “maximum level of monitored

Art Unit: 3726

power” as suggested by Janssen. To obtain the alignment position of the maximum level of monitored power, the initial position of the fibre is first monitored as suggested in col. 3, lines 50-52. Therefore, there is a “comparing” step because the maximum level of monitored power is eventually attained during manipulation of the micropositioner.

With respect to Claims 8, 9, 14, and 15, Janssen teaches that the optical component includes an optical fiber 4 having an endface 5 and a deformable mounting structure 10 that supports the optical fiber 4 on an optical bench 6, and wherein the step of monitoring the active alignment signal comprises: generating and coupling an optical signal (col. 3, lines 50-51, “powering the laser 3”) into the optical fiber 4, detecting a level of backreflection into the optical fiber 4 through the endface 5 as the active alignment signal (col. 3, lines 51-52, “monitoring the level of power launched into the fibre 4 from the laser 3”), and the step of finding the desired position comprises positioning the optical component to maximize a level of the backreflection (col. 3, lines 54-55, “bring the fibre 4 into the position providing the maximum level of monitored power”). Note the optical bench 2 and the active device 3 on the optical bench 2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3726

7. **Claims 10 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen in view of Huydts et al. (3,937,072).

Janssen teaches the invention cited with the exception of assessing the plastic deformation.

Huydts et al. teach assessing plastic deformation (col. 1, lines 62-65).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Janssen with the step of assessing the plastic deformation, in light of the teachings of Huydts et al., in order to determine whether the workpiece has been bent sufficiently as suggested by Huydts et al. at col. 2, lines 24-25.

Allowable Subject Matter

8. **Claims 6 and 11-13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. **Claim 2** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Contact Information

10. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much

Art Unit: 3726

as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

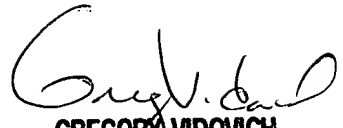
Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/

Application/Control Number: 09/773,944
Art Unit: 3726

Page 7


MJ

February 24, 2003


GREGORY VIDOVIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700